

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: *Kakefuda et al.*
Appl. No.: Not yet assigned
Filed: November 30, 2001
For: GENES AND VECTORS FOR CONFERRING HERBICIDE RESISTANCE IN
PLANTS
November 30, 2001

Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the above-identified application as follows:

In The Specification:

Please replace the first paragraph on page 1, which is immediately below the section heading "**CROSS REFERENCE TO RELATED APPLICATION**", with the following paragraph:

This application is a continuation of U.S. Patent Application No. 09/426,568, filed October 22, 1999, which claims the benefit, under U.S.C. § 119(e), of U.S. Provisional Patent Application Serial No. 60/106,239, filed October 29, 1998; both of which are hereby incorporated herein in their entirety by reference.

Please replace on page 1 the section heading which reads "**CROSS REFERENCE TO RELATED APPLICATION**" with the following:

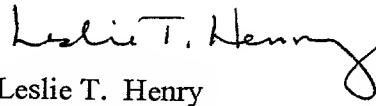
CROSS REFERENCE TO RELATED APPLICATIONS

REMARKS

The specification has been amended to update the cross-reference section to indicate that the present application is a continuation of U.S. Application No. 09/426,568, filed October 22, 1999. No new matter has been added by way of the amendments to the specification.

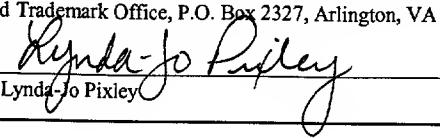
It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


Leslie T. Henry
Registration No. 45,714

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

"Express Mail" Mailing Label Number EL 868638393 US
Date of Deposit: November 30, 2001
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.


Lynda-Jo Pixley

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on.

Version With Markings to Show Changes Made:

In The Specification:

Please rewrite the first paragraph on page 1 to read as follows:

This application is a continuation of U.S. Patent Application No. 09/426,568, filed
October 22, 1999, which claims the benefit, under U.S.C. § 119(e), of U.S. Provisional Patent
Application Serial No. 60/106,239, filed October 29, 1998[.]; both of which are hereby
incorporated herein in their entirety by reference.

Please rewrite on page 1 the section heading which reads "**CROSS REFERENCE TO RELATED APPLICATION**" as follows:

CROSS REFERENCE TO RELATED [APPLICATION] APPLICATIONS